



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/523,437	03/10/2000	Kazuhiro Fukuda	SONYJP 3.0-108	5273
530	7590	07/25/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			PAULA, CESAR B	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/523,437

Applicant(s)

FUKUDA, KAZUHIRO

Examiner

CESAR B. PAULA

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, and 5-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/25/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2178

### **DETAILED ACTION**

1. This action is responsive to the RCE amendment entered on 5/16/2005.

**This action is made Non-Final.**

2. In the amendment, claims 1-3, and 5-11 are pending in the case. Claims 1, 3, and 7-11 are independent claims.

#### ***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d), and based on application # 11 076598 filed in Japan on 3/19/1999, which papers have been placed of record in the file.

#### ***Drawings***

4. The drawings filed on 3/10/2000 have been approved by the examiner.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2178

6. Claims 1-3, and 5-11 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Cook et al, hereinafter Cook (Pat.# 6,201,948 B1,3/13 2001, filed on 3/16/1998).

Regarding independent claim 1, Cook discloses authoring software for the authoring of a series of screens to be displayed —*allowing an editor to create scenes from content information-* - produced with programming or scripting languages --*predetermined specification--*, and which contain areas--*scenes--*, and subareas, which include textual, graphical, animated, video objects, (col.20 , lines 3-12, and col.22, lines 48-col.23, line 67, col.30, lines 21-67). The areas contain buttons, such as the "MYBOOK", "MATHHW" (area 306), "NEXTPAGE", "FIRSTPAGE" (area 304), etc., (fig.3, 321), for controlling what's displayed on the screen--*output format of the scene*.

Moreover, Cook teaches agent processing formats for the display of an agent persona in area 303--*defining a shared object*, for interacting with students (fig. 3-4, col.23, lines 12-18). The persona—*sharable object--* is shared among all areas 501, 502--*scenes--* of the screen in fig.4.

Moreover, Cook teaches arranging several icons in area 306—*define shared scenes--*, which is to be used in conjunction with—*common with--*, and is sharing the screen with other areas, such as the agent persona, which adapts or responds to a particular display situation or scene, such as the time to start of homework, in a bookshelf metaphor--*virtual scene usable by the plurality of scenes* (fig. 3-4, col.24, lines 4-14).

Moreover, Cook teaches a system component—*shared scene creation module*—sending animation scripts containing interpreting specification for the display of the various areas, which

Art Unit: 2178

include the "MYBOOK", "MATHHW", etc., icons within area 306, in accordance to a definition in the specification (fig. 3-4, col.35, lines 51-53).

Moreover, Cook teaches using the authoring software for producing scripts or scripting language specifications, which comprise object display commands, the timing of the object displays, etc, for homework tab 312 for displaying homework content in an area 304. The homework area 304 is used in interacting with bookshelf 306, and persona agent 303-- *select individual and multiple shared scenes* (fig. 3-4, col.24, lines 4-14, 43-67, col. 30, lines 21-67). Cook fails to explicitly disclose *a shared-scene creation module operable enable the editor to select individual and multiple shared scenes to be used for creating each of the scenes*. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the *shared-scene creation module*, because Cook teaches the benefit of an interactive, and individualized system of instruction offering high quality of individualized student interaction in a manner that approximates a real tutor (col.2, lines 4-67).

Moreover, Cook teaches an animation facility—*application creation module*-- for interpreting scripts which comprise object display commands, the timing of the object displays, an input specification of how any permitted user input is handled, etc—*control information based on said specific shared scenes set by the scene creation module*--(fig. 3-4, col.35, lines 35-67).

Furthermore, Cook teaches the formatting of all objects—*an output control module for converting said control information into shared object control information for forming the scenes created by said scene creation module*, including the agent persona formatted in Java, and outputting the formatted objects together into a display (fig. 3-4, col.23, lines 12-18).

Regarding claim 2, which depends on claim 1, Cook discloses the display of a number of screens in accordance with a certain format. The screens are displayed in a certain order--*an order of superposition of a plurality of shared scenes*-- through icons and menu items, such as the screen in fig.3, "MY BOOK", "MATHHW", etc., (306), HW (312), a next page, first page (321). The selection of the icons, and menu items lead the user, from the current screen, to respective screens which contain various educational information (col.22, lines 59-col.24, line 67). The icons, and menu items, which access and display--*superimpose*--the educational materials--*shared objects*--on the screen, controlling the order in which the user chooses to display the various educational materials. These icons include textual description, explaining the materials which are accessed, such as "HW" for homework, "MATHHW" for math homework, etc., and are located or based on the location of the areas--*order of superposition of the plurality of set specific shared scenes*.

Claim 3 is directed towards an apparatus for implementing the method of claim 1, and therefore is similarly rejected.

Claim 5-6 are directed towards a method for implementing the steps of claims 1-2 respectively, and therefore are similarly rejected.

Claim 7 is directed towards an apparatus for implementing the method of claim 1, and therefore is similarly rejected.

Art Unit: 2178

Claim 8 is directed towards an apparatus for implementing the method of claim 1, except for *the creation of broadcast content* information, which is taught by Cook's networked access of the animated sequences (col.18, lines 35-67), and therefore is similarly rejected.

Claims 9-10 are directed towards a method similar to the steps of claims 1, and 8, and therefore are similarly rejected.

Claim 11 is directed towards a memory device for storing instruction, and for implementing the method of claim 1, and therefore is similarly rejected.

### ***Response to Arguments***

7. Applicant's arguments filed 5/16/2005 have been fully considered but they are not persuasive. Applicants submit that the claims as amended are not rendered obvious by Cook (pages 10-11). The Examiner disagrees, because Cook teaches using the authoring software for producing scripts or scripting language specifications, which comprise object display commands, the timing of the object displays, etc, for homework tab 312 for displaying homework content in an area 304. The homework area 304 is used in interacting with bookshelf 306, and persona agent 303— *select individual and multiple shared scenes* -- (fig. 3-4, col.24, lines 4-14, 43-67, col. 30, lines 21-67). Cook fails to explicitly disclose *a shared-scene creation module operable enable the editor to select individual and multiple shared scenes to be used for creating each of the scenes*. It would have been obvious to one of ordinary skill in the art at the time of the

Art Unit: 2178

invention to have included the *shared-scene creation module*, because Cook teaches the benefit of an interactive, and individualized system of instruction offering high quality of individualized student interaction in a manner that approximates a real tutor (col.2, lines 4-67).

### ***Conclusion***

I. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://portal.uspto.gov/external/portal/pair>. Should you have any questions about access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866 217-9197 (toll-free).

Any response to this Action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

- (571)-273-8300 (for all Formal communications intended for entry)



Application/Control Number: 09/523,437

Page 8

Art Unit: 2178

A handwritten signature in black ink, appearing to read "Cesar Paula". The signature is fluid and cursive, with the first name "Cesar" and last name "Paula" clearly distinguishable.

7/20/05

**CESAR PAULA  
PRIMARY EXAMINER**